

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

K.S., a minor, by and through his parents :	Civil No. 3:19-CV-00304
and natural guardians, THOMAS and :	
DONNA SCHENK :	
Plaintiff, :	
v. :	
POTTSVILLE AREA SCHOOL :	
DISTRICT, :	
Defendant. :	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 26th day of March, 2020, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

- 1) Defendant’s Rule 12(b)(6) motion to dismiss, Doc. 33, is **GRANTED** as to Plaintiff’s Count II, “42 U.S.C. § 1983 First Amendment Violation”;
- 2) Count II is hereby **DISMISSED**, without prejudice; and
- 3) Defendant’s Rule 12(b)(6) motion to dismiss is **DENIED** as to all other Counts.

IT IS FURTHER ORDERED that a telephone status conference is scheduled for **April 8, 2020 at 11:30 a.m.** Plaintiff’s counsel shall arrange a call-in number and pass code, and provide that information to the court and opposing

counsel at least one hour prior to the call.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania